

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ROBBY MAPLES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:06-CV-337
	)	(VARLAN/GUYTON)
NORFOLK SOUTHERN RAILWAY	)	
COMPANY, and SEILER BLOCK	)	
CO., INC.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This civil action is before the Court pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the Order [Doc. 67] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of the plaintiff's Motion to Compel Defendant Norfolk Southern Railway Company to Produce Susan F. Lafon for Oral Deposition. [Doc.66] The plaintiff moves the Court to compel the defendant to produce Susan F. Lafon, the Manager of Vocational Support Services for defendant Norfolk Southern Railway Company ("Norfolk"), for oral deposition. The plaintiff contends that he recently received a letter from Ms. Lafon regarding Norfolk's tuition assistance program and that he needs to depose Ms. Lafon in order to determine how Ms. Lafon will testify at trial regarding the program. Norfolk opposes the motion, arguing that the motion is untimely and that the letter plaintiff received adequately describes the details of the tuition assistance program.

The Court notes that the trial in this matter is currently scheduled for February 25, 2008. [Doc. 48] The Court further notes that the Scheduling Order in this matter established a discovery deadline of sixty days before trial, December 27, 2007, and a motion to compel deadline of thirty days before trial, January 26, 2008. [Doc. 20] Finally, the Court notes that the plaintiff

filed his motion on February 12, 2008. Additionally, a review of Norfolk's Final Witness List, filed October 5, 2007, indicates that Ms. Lafon was listed as a witness who might testify at trial. [Doc. 40] Thus, the plaintiff knew approximately two months before the discovery deadline that Ms. Lafon might be called as a witness at trial. Plaintiff has failed to provide any explanation for his failure to depose Ms. Lafon before the discovery deadline.

Plaintiff has made a request through chambers for oral argument on the instant motion. The Court, however, finds that oral argument is not needed or desired for disposition of the motion. The Court finds that the plaintiff's motion is untimely, and further finds that the plaintiff has failed to show good cause for allowing him to depose Ms. Lafon after the discovery cut off. Accordingly, the plaintiff's motion [Doc. 66] is hereby **DENIED**.

**IT IS SO ORDERED.**

**ENTER:**

s/ H. Bruce Guyton  
United States Magistrate Judge